REMARKS

The Applicants submit the following remarks in response to the Office Action, dated

April 12, 2006. Claims 1-5, 8-10, 20, 37, and 40-41 are pending with claims 1, 8, 10, 20, 37, 40

and 41 being independent. Claims 6-7, 11-19, 21-36, 38-39 and 42-50 were previously canceled

without prejudice and/or disclaimer of subject matter. Claims 1, 8, 10, 20, 37, 40, and 41 have

been amended to expedite prosecution of this application to allowance. No new matter has been

added. Each of the issues raised in the outstanding Office Action are addressed below.

35 U.S.C. 103(a)

In the Office Action, the Examiner rejected claims 1, 3, 5, 8, 10, 20, 37, 40, and 41 under

35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,462,644 to Howell ("Howell") in

view of U.S. Patent No. 6,339,731 to Morris et al. ("Morris"). This rejection is respectfully

traversed.

With regard to claims 1, 8 and 10, the Examiner stated that Howell discloses all elements

of claim 1 except a card reader, and relied on Morris for disclosing "a card reader for entering

credit card information." (Office Action, Page 2). This rejection is respectfully traversed.

Claim 1 of the present application recites, *inter alia*, an enabling device having a wireless

data network transceiver connected to the DEX interface of a vending machine controller

(VMC), a card reader for entering credit card account information, and a micro-controller in

communication with the transceiver and connected to the multi-drop-bus interface of a VMC.

Such features enable cashless/credit purchases of product from the vending machine, by the

enabling device obtaining wireless credit purchase approvals, and also allows communication of

information between the vending machine and a remote location. Claims 8, 10, 40 and 41 recite the same patentable features.

Howell is currently understood by Applicants to be directed to a wide area network (WAN) of vending machines connected to a host that builds a database of vending-related information received from vending machines (Howell, Abstract). Howell's communication system for vending machines includes a vender interface unit (VIU) that is connected to a VMC (Howell, FIG. 3, Col. 4, lines 28-31) and includes a multiple-communication-technology adapter that is connected to the VMC via a Direct Exchange (DEX)/Uniform Communication Standard (UCS) connection or, alternatively, a multidrop bus (MDB) (Howell, FIG. 3, Col. 4, lines 34-38).

The present invention includes a micro-controller in communication with the transceiver and also connected to the multi-drop-bus interface, as recited in claim 1. In contrast, Howell's system is not configured to be connected to both the transceiver and the multi-drop-bus interface simultaneously. Instead, Howell receives data either using the DEX format or the MDB format, but not both. (Howell, Col. 7, lines 45-51). This is different than the present invention, where the micro-controller is connected to both at the same time.

Applicants are also confused by the Examiner's reference to "a cashless reader, page 2, [0018], fig. 1, 30" with regard to the card reader feature recited in claim 1 (Office Action, page 2). The Applicants respectfully submit that the reference to "page 2, [0018], fig. 1, 30" does not exist in Howell. Thus, it is not clear what the Examiner is referring in the office action. The Examiner is respectfully requested to clarify his reference to the "cashless reader" or withdraw the rejection entirely. Further, as the Examiner stated in the April 12, 2006 Office Action,

Howell does not teach or suggest a card reader for entering credit card account information, as recited in claim 1.

Morris is understood by Applicants to be directed to a configurable vending machine audit module for receiving remote commands for indicating a type of vending machine data to be processed by the audit module, how to process data at the audit module and a location in memory for storage of the vending machine data.

However, nothing in either Howell or Morris, either alone or in combination, teaches or suggests an enabling device enabling electronic payment for products dispensed from a vending machine *and* enabling remote communication of information using the recited features of the card reader for entering in credit card account information and the wireless transceiver. Additionally, Howell, Morris or their combination fails to disclose, teach or suggest a micro-controller in communication with the transceiver and also connected to the multi-drop-bus interface, as recited in claim 1. For at least the above reasons, claim 1 is patentable over the cited prior art.

Claims 8, 10, 40, and 41 are patentable over the combination of Howell and Morris for at least the reasons stated above with respect to claim 1. As such, the rejection of claims 8, 10, 40, and 41 are respectfully traversed. The Examiner is requested to reconsider and withdraw his rejection of claims 8, 10, 40, and 41.

Claims 3 and 5 are dependent on the independent claim 1. As such, claims 3 and 5 are patentable over the combination of Howell and Morris for at least the reasons stated above with respect to claim 1. Thus, the rejection of claims 3 and 5 is respectfully traversed. The Examiner is requested to reconsider and withdraw his rejection of claims 3 and 5.

The Examiner also rejected claim 20 as being unpatentable over the combination Howell and Morris. The Examiner stated that Howell discloses all elements of claim 20 except "auditing data on said vending machine", and submits that this feature is instead taught by Morris ("an auditing data on said machine, a second procedure for auditing data on said vending machine, wherein data is sent back to the remote computer..., and a third procedure for configuring data on said vending machine, carrying out said procedure on said vending machine..." (Office Action, page 3).

Amended claim 20 recites, *inter alia*, a method for managing information from a DEX enabled vending machine having a command that includes a first procedure for resetting data on the vending machine, where DEX data fields are cleared and the DEX port is disabled, and optionally including either or both of a second procedure for auditing data on the vending machine, wherein DEX data is sent back to the remote computer and a third procedure for configuring data on the vending machine.

As stated above with respect to claim 1, Howell discloses a wide area network (WAN) of vending machines connected to a host that builds a database of vending-related information received from vending machines. (Howell, Abstract). Howell's system sends full DEX files from the VIU to the communications concentrator, where the DEX files sent from the VIU are optionally compressed. (Howell, FIGS. 6A-6D, Col. 9, lines 23-29). Applicants respectfully submit that Howell's system fails to disclose, teach or suggest a procedure for resetting data on the vending machine, where DEX data fields are cleared and the DEX port is disabled, as recited in claim 20. Howell only optionally compresses the DEX files but does not reset the vending machine when the DEX data fields are cleared and the DEX port is disabled.

- 11 -

Applicants also respectfully submit that Howell also does not disclose resetting the vending machine in combination with one or both of a second procedure for auditing data on the vending machine, where DEX data is sent back to the remote computer and a third procedure for configuring data on the vending machine, as recited in claim 20. Thus, Howell does not disclose, teach or suggest all elements of claim 20.

Morris's vending machine audit module receives externally generated commands that indicate which type of vending machine data should be processed, and a location in the audit module storage for the data (Morris, Col. 1, lines 55-64). Applicants submit that such a procedure is different than a procedure for resetting a vending machine, where the DEX data fields are cleared and the DEX port is disabled. Morris only deals with auditing a vending machine: optionally using DEX/UCS fixed communications protocol in conjunction with a physical interface for data transfer. However, Morris does not reset the the DEX data fields (cleared) and disabling the DEX port, as recited in claim 20. Additionally, Morris does not disclose resetting the vending machine in combination with one or both of a second procedure for auditing data on the vending machine, where DEX data is sent back to the remote computer and a third procedure for configuring data on the vending machine, as recited in claim 20. Thus, neither Howell, nor Morris disclose, teach or suggest all elements of claim 20.

Even if one were to improperly combine Howell and Morris, the present invention, as recited in claim 20, is not realized. Applicants respectfully submit that the combination of Howell and Morris would likely teach a network of vending machines that is capable of sending full DEX files from the VIU and indicate which type of data should be processed and where it should be stored. However, the combination fails to disclose a procedure for resetting the

vending machine, when the DEX data fields are cleared and the DEX port is disabled, as recited in claim 20.

As such, claim 20 is not rendered obvious in light of the combination of Howell and Morris. Thus, the rejection of claim 20 is respectfully traversed. The Examiner is requested to reconsider and withdraw his rejection of claim 20.

Claim 37 is patentable over the combination of Howell and Morris for at least the reasons stated above with respect to claim 20. Thus, the rejection of claim 37 is respectfully traversed. The Examiner is requested to reconsider and withdraw his rejection of claim 37.

In the Office Action, the Examiner rejected claims 2, 4, and 9 under 35 U.S.C. 103(a) as being unpatentable over Howell in view of Morris and further in view of Kolls. Claims 2, 4, and 9 are dependent on the respective independent claims 1 and 8. As such, they are patentable over the combination of Howell and Morris for at least the reasons stated above with respect to claim 1. Kolls does not cure the deficiencies of Howell, Morris, or their combination. Kolls fails to disclose, teach or suggest an enabling device enabling electronic payment for products dispensed from a vending machine *and* enabling remote communication of information using the recited features of the card reader for entering in credit card account information and the wireless transceiver of claim 1. As such, the combination of Howell, Morris, and Kolls fails to disclose, teach or suggest all elements of claim 1. Thus, claims 2, 4, and 9 are patentable over the combination of Howell, Morris, and Kolls for at least the reasons stated above with respect to claim 1. Thus, the rejection of claims 2, 4, and 9 is respectfully traversed. The Examiner is requested to reconsider and withdraw his rejection of claims 2, 4, and 9.
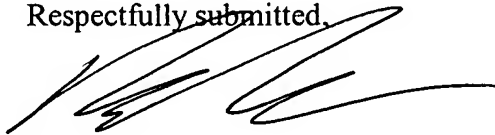
The claims are proper and definite. In view of the foregoing amendments and remarks, Applicants respectfully submit that all issues raised in the April 12, 2006 Office Action have been addressed and request favorable reconsideration of the present application. Applicants respectfully submit the currently pending claims of the present application are in condition for allowance.

The Applicants are submitting a petition for one month extension of time along with an appropriate extension fee along with the response to the April 12, 2006 Office Action. With the extension of time, the response is now due August 14, 2006.

No other fees for responding to the outstanding Action are believed due with this response. In the event that it is determined that additional fees are due, however, the Commissioner is hereby authorized to charge the undersigned's Deposit Account No. **50-0311**, Ref. No. 28589-022 (formerly 21958-022), Customer No. **35437**.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 935-3000. All correspondence should be directed to our New York office address, which is given below.

Respectfully submitted,

Date: August 14, 2006

Brian P. Hopkins, Reg. No. 42,669
Boris A. Matvenko, Reg. No. 48,165
Attorneys for Applicants
Mintz Levin Cohn Ferris Glovsky & Popeo, P.C.
The Chrysler Center
666 Third Avenue, 24th Fl.
New York, New York 10017
Phone: 212-935-3000
Fax: 212-983-3115

- 14 -

NYC 368384v.1